

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

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LINDA FLINT EDGE,
Plaintiff,

v.

NORFOLK FINANCIAL CORPORATION
and DANIEL W. GOLDSTONE,
Defendants.

CIVIL ACTION NO. 04-12134 DPW

**DEFENDANTS' MOTION TO DISMISS OR,
ALTERNATIVELY, FOR SUMMARY JUDGMENT**

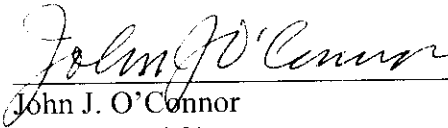
Pursuant to Fed. Rules of Civ. P. 12(b)(1) and 56, the defendants Norfolk Financial Corporation and Daniel Goldstone move to dismiss this action in its entirety. Alternatively, the defendants move for summary judgment as to all claims. In support of this Motion, the defendants state as follows:

1. This Court lacks subject matter jurisdiction over this action pursuant to the Rooker-Feldman doctrine;
2. On the undisputed material facts, this action is barred by the doctrines of judicial estoppel and res judicata as a matter of law; and
3. In any event, the action is barred by the applicable limitations period as to all claims based on events before October 8, 2003.

In support of this Motion, the defendants submit the accompanying Memorandum in Support of Defendants' Motion to Dismiss or, Alternatively, for Summary Judgment, the accompanying Affidavit of John J. O'Connor, and the accompanying Affidavit of Daniel W. Goldstone. For the reasons given above and in the accompanying Memorandum, the Defendants' Motion should be allowed, and the complaint dismissed, or summary judgment granted.

NORFOLK FINANCIAL CORPORATION and
DANIEL W. GOLDSTONE

By their attorney,



John J. O'Connor
BBO # 555251
PEABODY & ARNOLD LLP
30 Rowes Wharf
Boston, MA 02110
(617) 951-2100

Dated: November 23, 2004

CERTIFICATE OF SERVICE

I hereby certify that on this date I served a copy of this Motion by first class mail on the following:

Yvonne W. Rosmarin, Esq.
58 Medford Street
Arlington, MA 02474

Dated: November 23, 2004



John J. O'Connor